

## FIFTH COURT OF APPEALS

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**No. 05-19-00396-CR**

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FILED IN  
5th COURT OF APPEALS  
DALLAS, TEXAS  
08/23/2019 10:56:32 PM  
LISA MATZ  
Clerk

***Stoyan K. Anastassov, Appellant,***

***v.***

***State of Texas, Appellee***

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**On Appeal from the 292nd District Court, Dallas County  
Nos. F15-50349 & F15-50350**

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### **Appellant's First Motion to Extend the Time to File the Appellant's Brief**

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**Texas Bar No. 24048680**  
**Attorney for Appellant**

**To the Honorable Justices of the Court of Appeals:**

Attorney for Appellant files this first motion to extend the time to file the Appellant's Brief [*See* Tex. Rule App. Proc. 10.5(b) and 38.6(c)]:

1. The cases below are *State v. Anastassov*, Nos. F15-50349 & F15-50350 (292nd Dist. Ct. Dallas Co.).
2. On February 28, 2019, in both cases Appellant was convicted of Indecency with a Child by contact under Tex. Penal Code § 21.11(a)(1) (2013) and was sentenced to 9 years in TDCJ for F15-50349 and 3 years in TDCJ for F15-50350.
3. Appellant is incarcerated.
4. The clerk's records in both cases were filed was on June 24, 2019.
5. The single reporter's record was filed on July 29, 2019.
6. The Appellant's Brief is due on **August 28, 2019**.
7. Attorney for Appellant requests an extension of **30 days** until on or before **September 27, 2019** to file the Appellant's Brief.
8. **No** previous extension to file the Appellant's Brief has been filed.
9. Attorney for Appellant relies on the following facts as good cause for the requested extension: On August 22, 2019, Attorney for Appellant completed and filed a complex sentencing memorandum in *United States v. Shults*, No. 3-14-CR-00298 (N.D.Tex.) and has been preparing for the sentencing hearing in the case set

for August 28, 2019.

10. Attorney for Appellant has also been working on other cases including appeals, trial preparation, investigations in habeas corpus cases, and four death penalty cases (state and federal habeas corpus). One is an application for a writ of habeas corpus under Tex. Code Crim. Proc. Art. 11.071 that Attorney for Appellant continues to investigate in *Ex parte Hudson*, No. 3CR-16-32585 (3rd Dist. Ct. Anderson Co.), No. WR-88,225-01 (Tex.Crim.App.). This is a complex death penalty case involving the deaths of six persons. Due to circumstances of the case, Attorney for Appellant has been spending considerable time with his mitigation investigator to work on issues for the 11.071-application.

11. Attorney for Appellant also continues to work on trial-preparation in *State v. Guyger*, No. F18-00737 (204th Dist. Ct. Dallas Co.), which is the officer-involved shooting that occurred on September 6, 2018. Voir dire begins on September 6, 2019.

12. Attorney for Appellant has the following briefs, petitions, or motions due soon:

- Appellant's Brief in *Simpson v. State*, No. 06-19-00105-CR (Tex.App-Texarkana) due August 26, 2019
- Appellant's Brief in *Runnels v. State*, No. 05-19-00621-CR (Tex.App-Dallas) due September 6, 2019
- PDR in *Gonzales v. State*, No. PD-0803-19 (Tex.Crim.App.) due September 11, 2019

- Petition for writ of certiorari in *Juarez v. Director*, No. 19-\_\_\_\_ (U.S.) due September 3, 2019 (capital-life Murder case)
- Petition for writ of certiorari in *Jones v. Director*, No. 19-\_\_\_\_ (U.S.) due September 16, 2019 (death penalty case)

13. Attorney for Appellant has been working diligently on the Appellant's Brief. He needs the additional time to continue analyzing the record on appeal (which is 2,914 pages) and make the best arguments possible for Appellant.

14. Attorney for Appellant has a responsibility to Appellant to provide effective assistance of appellate counsel, *see Evitts v. Lucey*, 469 U.S. 387, 392 (1985), and believes that that the requested additional time is necessary to provide such counsel.


15. The State will **not** be prejudiced by this requested extension and has agreed to the relief requested in this motion.

16. This motion is not filed for purposes of delay but so that justice may be served.

### **Prayer**


Attorney for Appellant prays that the Court grants this first motion to extend the time to file the Appellant's Brief.

Respectfully submitted,

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**/s/ Michael Mowla**  
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Michael Mowla

### **Certificate of Service**

I certify that on August 23, 2019, a copy of this document was served on the Dallas County District Attorney's Office Appellate Division by efile or email to [DCDAAppeals@dallascounty.org](mailto:DCDAAppeals@dallascounty.org).

  
**/s/ Michael Mowla**  
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Michael Mowla